

CHARLES S. CUSTER (SBN: 124270)
ccuster@gordonrees.com
JON C. YONEMITSU (SBN: 199026)
jyonemitsu@gordonrees.com
GORDON & REES, LLP
Embarcadero Center West
275 Battery Street, Suite 2000
San Francisco, CA 94111
Telephone: (415) 986-5900
Facsimile: (415) 986-8054

DWIGHT BISHOP (SBN 037381)
dbb@sbcglobal.net
DWIGHT B. BISHOP, INC.
1511 Treat Blvd., #400
Walnut Creek, CA 94596
Telephone: (925) 939-2544
Facsimile: (925) 939-8366

Attorneys for Defendants
COUNTY OF SAN MATEO, PENINSULA
HUMANE SOCIETY and DEBI DENARDI

Attorneys for Defendants
PENINSULA HUMANE SOCIETY
and DEBI DENARDI

KEVIN SMITH (SBN 97920)
ksmith@professionals-law.com
BRADLEY, CURLEY, ASIANO, BARRABEE & CRAWFORD, P.C.
1100 Larkspur Landing Circle, Suite 200
Larkspur, CA 94939
Telephone: (415) 464-8888
Facsimile: (415) 986-8887

Atorneys for Defendants
PENINSULA HUMANE SOCIETY, and
DEBI DENARDI

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Defendants COUNTY OF SAN MATEO, PENINSULA HUMANE SOCIETY and DEBI DENARDI (“Filing Defendants”) respectfully submit this further separate Case Management Statement which incorporates the Standing Order for All Judges of the Northern District of California.

1 Plaintiff TAMARA DOUKAS is represented by Daniel Berko, Esq.

2 Defendants COUNTY OF SAN MATEO, PENINSULA HUMANE SOCIETY and DEBI
3 DENARDI are represented by Charles S. Custer, Esq. and Jon C. Yonemitsu, Esq. of Gordon &
4 Rees, LLP.

5 Defendants PENINSULA HUMANE SOCIETY and DEBI DENARDI are also
6 represented by Kevin Smith, Esq., of Bradley, Curley, Asiano, Barrabee & Crawford, P.C. and
7 Dwight B. Bishop, Esq., of Dwight B. Bishop, Inc.

8 Defendants DR. KIM HADDAD, KKH, INC. and SPIKE REAL ESTATE (hereinafter,
9 "Dr. Haddad") are represented by Peter J. Van Zandt, Esq. and Brian S. Whittemore, Esq. of
10 Bledsoe, Cathcart, Diestel, Pederson & Treppa LLP.

11 1. Jurisdiction:

12 This issue is under submission. Defendants believe the entire matter should be stayed
13 until the state court trial is concluded that will resolve most if not all issues in this dispute.

14 2. Facts:

15 This case arises out of the humane euthanization of plaintiff's Alaskan Malamute
16 ("Kodiak"). On August 2, 2006, plaintiff contends she brought Kodiak to the San Mateo Animal
17 Hospital for treatment of lethargy and decreased appetite. Two veterinarians (one being Dr.
18 Haddad) examined Kodiak and based on the severe symptoms exhibited by the dog, as well as
19 plaintiff's admissions concerning the physical condition of the dog, both veterinarians concluded
20 Kodiak was gravely ill and appeared to be dying.

21 Plaintiff was in denial and refused to acknowledge the severity of Kodiak's condition and
22 grave prognosis. Animal control officer Denardi was called to assist with the situation. Upon
23 her independent examination of Kodiak, Officer Denardi also concluded Kodiak was gravely ill,
24 was suffering immensely and was of the opinion based on her experience and training that
25 continuance of the life of Kodiak was inhumane. Although now disputed by plaintiff, it is
26 alleged plaintiff consented to euthanizing Kodiak given the grave prognosis.

27 Filing Defendants contend the euthanization of Kodiak was justified, proper and humane
28 in light of the symptoms exhibited by Kodiak and the grave prognosis.

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1 3. Legal Issues:

2 Whether plaintiff can recover actual damages for the loss of Kodiak, as well as damages
 3 for emotional distress damages for loss of personal property. Filing Defendants dispute any
 4 basis for liability and damages claimed by plaintiff. Filing Defendants additionally contend
 5 plaintiff's complaint includes allegations in violation of Rule 11 of the Federal Rules of Civil
 6 Procedure. Filing Defendants have attempted to meet and confer with plaintiff's counsel
 7 regarding the alleged violations without success. Filing Defendants intend to seek the Court's
 8 assistance in this regard and intend to request sanctions against plaintiff's counsel under Rule 11.
 9 Filing Defendants further intend to file a motion for judgment on the pleadings as there is no
 10 basis of liability based on the allegations set forth in applicable cause of action.

11 4. Motions:

12 Filing Defendants anticipate filing a Motion For Judgment on the Pleadings, Motion For
 13 Summary Judgment and a Motion for sanctions and other applicable remedy pursuant to Rule 11.
 14 There are no pending motions at this time.

15 5. Amendment of Pleadings:

16 Plaintiff's counsel has not indicated an amendment is expected at this time.

17 6. Evidence Preservation:

18 All relevant x-rays and medical records of Kodiak have been previously produced in the
 19 state court action and preserved.

20 7. Disclosures:

21 The parties have not exchanged initial disclosures.

22 8. Discovery:

23 Defendants agree the case should be stayed and that a further CMC should be scheduled
 24 in April , 2009. Defendants propose the following Discovery Plan:

<u>Discovery</u>	<u>Party</u>	<u>Date</u>
Interrogatories to Plaintiff	Filing Defendants	June 2009
Document Requests	Filing Defendants	June 2009

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1	Deposition of Plaintiff	Filing Defendants	July 2009
2	Depositions of Witnesses	Filing Defendants	August 2009
3	9. <u>Class Actions:</u>		
4	Not Applicable.		
5	10. <u>Related Cases:</u>		
6	There is currently a related state Court Case in the San Mateo County Superior Court,		
7	Case No. 461009.		
8	11. <u>Relief:</u>		
9	Plaintiff seeks unspecified damages relating to the loss of her dog (property) and		
10	resulting emotional distress damages. Filing Defendants dispute all liability and plaintiff's claim		
11	for damages.		
12	12. <u>Settlement and ADR:</u>		
13	The parties have stipulated to participation in the federal court's mediation program.		
14	13. <u>Consent to Magistrate Judge For All Purposes:</u>		
15	Filing Defendants defer its decision on consent at this time.		
16	14. <u>Other References:</u>		
17	Filing Defendants do not believe this case is suitable for arbitration.		
18	15. <u>Narrowing of Issues:</u>		
19	None at this time.		
20	16. <u>Expedited Schedule:</u>		
21	Filing Defendants do not believe this case is should be handled on an expedited basis.		
22	17. <u>Scheduling:</u>		
23	<u>Action</u>	<u>Proposed Date</u>	
24	Designation of Experts:	September 2009	
25	Discovery Cutoff:	September 2009	
26	Hearing of Dispositive Motions:	October 2009	
27	Pretrial Conference:	December 2009	
28	Trial:	January 2010	

18. Trial:

Filing Defendants request a jury trial and anticipate trial will last between 3-5 days.

19. Disclosure of Non-party Interested Entities or Persons:

Filing Defendants are not aware of other entities with known interests in the outcome of this matter.

20. Other Matters:

None at this time.

Dated: October 9, 2008

Gordon & Rees LLP

By / s /
Charles S. Custer
Jon C. Yonemitsu
Attorneys for Defendants
PENINSULA HUMANE SOCIETY,
DEBI DENARDI and COUNTY OF SAN
MATEO

Gordon & Rees LLP
2275 Battery Street, Suite 2000
San Francisco, CA 94111